

NORTH CAROLINA GENERAL ASSEMBLY

NORTH CAROLINA SENATE

TRANSCRIPT OF THE PROCEEDINGS

FLOOR SESSION

In Raleigh, North Carolina
Friday, February 19, 2016
Reported by Robbie W. Worley

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<p style="text-align: right;">2</p> <p>1 (Reporter's note: Proceedings in this</p> <p>2 matter began at 9:37 a.m.)</p> <p>3 LT. GOV. FOREST: The Senate will come to</p> <p>4 order. Sergeant-at-Arms, close the doors, and</p> <p>5 members will go to their seats. Members and guests</p> <p>6 in the gallery, please silence your electronic</p> <p>7 devices.</p> <p>8 Leading the Senate in prayer is the</p> <p>9 Reverend Peter Milner, Senate Chaplain. All</p> <p>10 members and guests in the gallery, please stand.</p> <p>11 REV. MILNER: Let us pray. Heavenly</p> <p>12 Father, we thank you for this day, this new day,</p> <p>13 and we rejoice that you have made it new. Let us</p> <p>14 rejoice and be glad in what you've created. And,</p> <p>15 Lord, as we come together, give us strength in our</p> <p>16 hearts and give us a clear conscience in our minds.</p> <p>17 Sharpen us by the truth of your Word, and may your</p> <p>18 wisdom always guide us, and may your love always</p> <p>19 shine inside of us and clarify us for this task</p> <p>20 ahead. It's in Jesus' name we pray, amen.</p> <p>21 LT. GOV. FOREST: Senator Berger is</p> <p>22 recognized for a motion.</p> <p>23 SEN. BERGER: Thank you, Mr. President.</p> <p>24 The journal of Thursday, February 18, 2016, has</p> <p>25 been examined and decided to be correct. I move</p>	<p style="text-align: right;">4</p> <p>1 receipt of messages from the House, to reconvene at</p> <p>2 11 a.m.</p> <p>3 LT. GOV. FOREST: Thank you, Senator.</p> <p>4 Senator Rucho, for what purpose do you rise?</p> <p>5 SEN. RUCHO: Announcement.</p> <p>6 LT. GOV. FOREST: Senator Rucho, you have</p> <p>7 the floor for an announcement.</p> <p>8 SEN. RUCHO: The Redistricting Committee</p> <p>9 will be meeting in 544 at 10:00. I hope all</p> <p>10 members will attend, and we will be discussing the</p> <p>11 schedule for the election.</p> <p>12 LT. GOV. FOREST: Thank you, Senator.</p> <p>13 The Senate will stand in recess until 11 a.m.</p> <p>14 (RECESS, 10:07 - 10:29 A.M.)</p> <p>15 LT. GOV. FOREST: The Senate will come to</p> <p>16 order. Sergeant-at-Arms, close the doors. Members</p> <p>17 will go to their seats. Members and guests in the</p> <p>18 gallery, we ask you to please silence all of your</p> <p>19 electronic devices at this time.</p> <p>20 Do we have any reports from standing</p> <p>21 committees? Senator Rucho, for what purpose do you</p> <p>22 rise?</p> <p>23 SEN. RUCHO: I would like to send forward</p> <p>24 the Redistricting Committee report.</p> <p>25 LT. GOV. FOREST: You can send forward</p>
<p style="text-align: right;">3</p> <p>1 that we dispense with the reading of the journal</p> <p>2 and that it stand approved as written.</p> <p>3 LT. GOV. FOREST: Without objection, the</p> <p>4 journal for February 18th stands approved as</p> <p>5 written. Senators, courtesy of the floor are</p> <p>6 extended to Robbie Worley, who is transcribing</p> <p>7 today's session.</p> <p>8 We have leaves of absence requested, and</p> <p>9 with your approval are granted, for Senators</p> <p>10 Barringer, Bingham, McInnis and Wade. Messages</p> <p>11 from the House, the Clerk will read.</p> <p>12 CLERK: Message from the House, House</p> <p>13 Bill 2, committee substitute, An Act to Revise</p> <p>14 Procedures for the Conduct of 2016 Primary Election</p> <p>15 to Comply with the Court Order in Harris v.</p> <p>16 McCrory. Referred to Redistricting.</p> <p>17 House Joint Resolution 3, A Joint</p> <p>18 Resolution Providing for Adjournment Sine Die on</p> <p>19 2016 Extra Session. Calendar, February 19th.</p> <p>20 LT. GOV. FOREST: Senator Berger is</p> <p>21 recognized for a motion.</p> <p>22 SEN. BERGER: Thank you, Mr. President.</p> <p>23 I move that the Senate stand in recess subject to</p> <p>24 the standard stipulations set forth in the Senate</p> <p>25 Rule 24.1 to receive the committee reports and the</p>	<p style="text-align: right;">5</p> <p>1 your report, Senator.</p> <p>2 The Clerk will read.</p> <p>3 CLERK: Senator Rucho for the</p> <p>4 Redistricting Committee submits for passage House</p> <p>5 Bill Number 2, Committee Substitute Number 1,</p> <p>6 unfavorable as to Committee Substitute Bill Number</p> <p>7 1, but favorable as to the Senate Committee</p> <p>8 Substitute Bill. 2016 U.S. House of</p> <p>9 Representatives Primary.</p> <p>10 LT. GOV. FOREST: House Bill 2 to</p> <p>11 calendar.</p> <p>12 Senators, we have leaves of absence that</p> <p>13 are granted today for Senator Jim Davis and Senator</p> <p>14 Van Duyn. We also have some courtesies here.</p> <p>15 Several school groups with us today. Upon the</p> <p>16 motion of Senator Blue of Wake County, the Chair is</p> <p>17 happy to extend courtesies of the gallery to</p> <p>18 Lingleaf School of the Arts Charter School in Wake</p> <p>19 County, and they asked to be present today during</p> <p>20 the debate on redistricting matters. Would you</p> <p>21 please stand and be recognized, so thanks for</p> <p>22 joining us in the gallery today.</p> <p>23 (Applause.)</p> <p>24 LT. GOV. FOREST: Also upon the motion of</p> <p>25 Senator Josh Stein of Wake County, the Chair is</p>

<p style="text-align: right;">6</p> <p>1 happy to extend courtesies of the gallery to Follow</p> <p>2 the Child Montessori School and Ms. Stephanie</p> <p>3 Austin, who is the leader of the school. If you'll</p> <p>4 please stand and be recognized. Thank you for</p> <p>5 being here.</p> <p>6 (Applause.)</p> <p>7 LT. GOV. FOREST: And upon the motion of</p> <p>8 Senator Woodard of Durham County, the Chair is</p> <p>9 happy to extend courtesies of the gallery to the</p> <p>10 fourth grade class at Easley Elementary School. If</p> <p>11 you'll please stand.</p> <p>12 (Applause.)</p> <p>13 LT. GOV. FOREST: That takes us right</p> <p>14 into our calendar for the day. Senator Apodaca,</p> <p>15 for what purpose do you rise?</p> <p>16 SEN. APODACA: Mr. President, move that</p> <p>17 the rules be suspended to the end that staff may</p> <p>18 join members on the floor.</p> <p>19 LT. GOV. FOREST: Without objection, so</p> <p>20 ordered.</p> <p>21 House Bill 2, the Clerk will read.</p> <p>22 CLERK: House Bill 2, An Act to Revise</p> <p>23 Procedures for the Conduct of the 2016 Primary</p> <p>24 Election to Comply with the Court Order in Harris</p> <p>25 v. McCrory.</p>	<p style="text-align: right;">8</p> <p>1 over, they actually have to choose which one of</p> <p>2 those two seats they would run for and create a</p> <p>3 vacancy in the other that was moving forward.</p> <p>4 Runoffs are eliminated for 2016 for all</p> <p>5 races under this primary, and elections would be</p> <p>6 determined by a plurality of voters. That is</p> <p>7 simply to create the chaos, to prohibit the chaos</p> <p>8 of trying to determine who is eligible to vote in</p> <p>9 which part of which race when they come in at those</p> <p>10 times, so we've just eliminated that process for</p> <p>11 this election season. I would be happy to answer</p> <p>12 any other questions members may have, but I think</p> <p>13 the date has kind of placed us on this.</p> <p>14 There's chaos still in this process, and</p> <p>15 the courts have chosen to give us that by not</p> <p>16 having ruled at this point or issued a stay or said</p> <p>17 they're not going to issue a stay. I'd like to</p> <p>18 wish that we could get rid of that, but until they</p> <p>19 do their job, I don't see that there's much we can</p> <p>20 do, so.</p> <p>21 LT. GOV. FOREST: Any discussion or</p> <p>22 debate? Hearing none, Senator Bryant, for what</p> <p>23 purpose do you rise?</p> <p>24 SEN. BRYANT: To speak on the bill.</p> <p>25 LT. GOV. FOREST: Senator Bryant, you</p>
<p style="text-align: right;">7</p> <p>1 LT. GOV. FOREST: Senator Hise is</p> <p>2 recognized to explain the bill.</p> <p>3 SEN. HISE: Thank you, Mr. President.</p> <p>4 Following the -- following what we did yesterday on</p> <p>5 voting and changing the districts, it's also clear</p> <p>6 that several requirements are necessary to change</p> <p>7 our election laws. So we're going forward, and</p> <p>8 that's what this bill represents.</p> <p>9 To begin with, we will be holding now a</p> <p>10 primary election for members of Congress to be held</p> <p>11 on June 7th under the new districts that we've had,</p> <p>12 barring that those districts are not stayed by a</p> <p>13 court or changed in that process.</p> <p>14 The filing period will run from March</p> <p>15 16th until March 25th, between noon on both days</p> <p>16 for those seats. The time period to be registered</p> <p>17 with a party in order to run for that party's seat</p> <p>18 is 75 days, consistent with what we changed when we</p> <p>19 shortened the -- when we backed up the time period</p> <p>20 to the March election, we left that at 75 days.</p> <p>21 Would have the option -- those who have</p> <p>22 filed for other races do have the option of filing</p> <p>23 for this race. I think that's what we've done</p> <p>24 consistently in the past, as well. However, they</p> <p>25 would not be able to -- once the primaries are</p>	<p style="text-align: right;">9</p> <p>1 have the floor to speak to the bill.</p> <p>2 SEN. BRYANT: I was working to try to</p> <p>3 understand what the process could look like that</p> <p>4 we're going through, to also understand what my</p> <p>5 thoughts are about Senate Bill 2 and the plan set</p> <p>6 out for the new schedule. And this is my concern.</p> <p>7 It appears that we have the authority, because we</p> <p>8 were ordered by the Court, to enact this new plan.</p> <p>9 And we have set this new plan to take effect on</p> <p>10 March 16th if we get no ruling to the contrary.</p> <p>11 Meanwhile, the lawyers, the State</p> <p>12 lawyers, I believe, are obligated to submit this</p> <p>13 plan to the Court, because they ordered it to be</p> <p>14 done in an ongoing lawsuit. So they will submit</p> <p>15 this plan to the Court, I guess what, the lawyers</p> <p>16 on each side will have their comments or say, and</p> <p>17 the Court will ultimately, I'm told, say something.</p> <p>18 We don't know what that something would be.</p> <p>19 My concern is, depending on that</p> <p>20 something, we could be back here a third time, with</p> <p>21 a new schedule that would be even more confusing to</p> <p>22 our constituents. It would seem to me, although</p> <p>23 it's not ideal, that it would be worthwhile to at</p> <p>24 least remove one or two of the variables from this</p> <p>25 process before we set this March date, perhaps</p>

<p style="text-align: right;">10</p> <p>1 pushing it further out, perhaps adjourning and 2 coming back, having received some of these rulings. 3 I mean, we know at the Supreme Court, what they're 4 doing. They're burying, appropriately, one of 5 their own. I don't know how much it's affecting 6 their ongoing work, but I would have to assume it's 7 creating a little bit of a slowdown at that level. 8 So, for that reason, I'm concerned. I 9 think the things we've thought out in Senate Bill 10 2, the strategy, is a good one. I'm just concerned 11 about obligating ourselves to that date, and using 12 our authority, which it appears we have, to make 13 that change absolute at that time, regardless of 14 the ruling of the Middle District Court. Of 15 course, if they enjoin it, we have to start all 16 over. But without hearing from them or the Supreme 17 Court, I think is troublesome, and for that reason, 18 I will be voting no. 19 LT. GOV. FOREST: Any further discussion 20 or debate? Hearing none, the question before the 21 Senate is the passage of the Senate Committee 22 Substitute for House Bill 2 on its second reading. 23 All in favor, vote aye; opposed will vote no. Five 24 seconds will be allowed for the voting. The Clerk 25 will record the vote.</p>	<p style="text-align: right;">12</p> <p>1 LT. GOV. FOREST: The Senate will stand 2 at ease until 10 after 12. 3 (Senate is at ease.) 4 SEN. APODACA: Mr. President? 5 LT. GOV. FOREST: Senator Apodaca, for 6 what purpose do you arise? 7 SEN. APODACA: I'm sorry, Mr. President. 8 I neglected to move that we send the bill we just 9 approved over by special messenger, please. 10 LT. GOV. FOREST: So ordered, Senator. 11 Thank you. 12 (Senate is at ease.) 13 LT. GOV. FOREST: Senators, a little 14 update here. We are going to stand in recess until 15 1:30. 1:30. 16 (RECESS, 12:05 - 1:45 P.M.) 17 LT. GOV. FOREST: The Senate will come to 18 order. Sergeant-at-Arms, close the doors, and the 19 members will go to their seats. 20 Senators, we're going to get back into 21 our calendar for the day. House Joint Resolution 22 3, the Clerk will read. 23 CLERK: House Joint Resolution 3, A Joint 24 Resolution Providing for Adjournment Sine Die of 25 the 2016 Extra Session.</p>
<p style="text-align: right;">11</p> <p>1 (Votes recorded.) 2 LT. GOV. FOREST: 29 having voted in the 3 affirmative and 15 in the negative, Senate 4 Committee Substitute for House Bill 2 passes the 5 second reading and will be read a third time. 6 CLERK: North Carolina General Assembly 7 enacts. 8 LT. GOV. FOREST: Any discussion or 9 debate? Hearing none, all in favor of the passage 10 of Senate Committee Substitute for House Bill 2 on 11 its third reading will vote aye; opposed will vote 12 no. Five seconds will be allowed for the voting. 13 The Clerk will record the vote. 14 (Votes recorded.) 15 LT. GOV. FOREST: Lee, Senator Lee? 16 SEN. LEE: Aye. 17 LT. GOV. FOREST: Aye. 29 having voted 18 in the affirmative and 15 in the negative, Senate 19 Committee Substitute for House Bill 2 passes its 20 third reading, and it will be sent to the House for 21 concurrence in the Senate Committee Substitute. 22 Would we like to send that by special message? 23 Senator Apodaca? 24 SEN. APODACA: Mr. President, if we could 25 stand at ease for ten minutes, please.</p>	<p style="text-align: right;">13</p> <p>1 LT. GOV. FOREST: Senators, before we get 2 going on this, we have leaves granted for Senators 3 Meredith and Robinson, and Senator Barringer is 4 back with us. 5 Senator Apodaca is recognized to explain 6 the resolution. 7 SEN. APODACA: Thank you, Mr. President. 8 It's exactly what the reading clerk just read. I 9 ask for your support and hope to see you in April. 10 LT. GOV. FOREST: Do we have any 11 discussion or debate? Hearing none, the question 12 before the Senate is the passage of House Joint 13 Resolution 3 on its second reading. All in favor, 14 vote aye; opposed will vote no. Five seconds will 15 be allowed for voting, and the Clerk will record 16 the vote. 17 (Votes recorded.) 18 LT. GOV. FOREST: 43 having voted in the 19 affirmative and zero in the negative, House Joint 20 Resolution 3 passes its second reading and will be 21 read a third time. 22 CLERK: North Carolina General Assembly 23 enacts. 24 LT. GOV. FOREST: Any discussion or 25 debate? Hearing none, all in favor of the passage</p>

<p style="text-align: right;">14</p> <p>1 of House Joint Resolution 3 on its third reading 2 will vote aye; opposed will vote no. Five seconds 3 will be allowed for the voting. The Clerk will 4 record the vote. 5 (Votes recorded.) 6 LT. GOV. FOREST: 43 having voted in the 7 affirmative and zero in the negative, House Joint 8 Resolution 3 passes its third reading, and it will 9 be enrolled. And that wraps up our calendar. Do 10 we have any notices or announcements? Is there any 11 further business to come before the Senate? If 12 not, the Chair recognizes Senator Berger for a 13 motion. 14 SEN. BERGER: Mr. President, we may need 15 to wait just a moment to get the motion. I'm just 16 checking to make sure I didn't throw it away from 17 this morning, so it's not in the trash can. Here 18 we go. 19 LT. GOV. FOREST: It was in Senator 20 Apodaca's trash can. 21 SEN. BERGER: Thank you, Mr. President. 22 Having concluded the business for which the Senate 23 was convened, I move that the Senate do now adjourn 24 the 2016 extra session sine die, in accordance with 25 House Joint Resolution 3, subject to the standard</p>	<p style="text-align: right;">16</p> <p>1 presentation to the Governor, House Bill 2, An Act 2 to Revise Procedures for the Conduct of the 2016 3 Primary Election to Comply With the Court Order in 4 Harris vs. McCrory. The Enrolling Clerk reports 5 the following resolution, duly ratified, properly 6 enrolled and prepared for presentation to the 7 Office of the Secretary of State, House Joint 8 Resolution 3, Resolution 2015-1, a joint resolution 9 provided for adjournment sine die of the 2016 extra 10 session. 11 (RATIFICATION CONCLUDED AT 3:04 P.M.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">15</p> <p>1 stipulations set forth in Senate Rule 24.1, the 2 receipt of House messages and the ratification of 3 bills and resolutions. 4 LT. GOV. FOREST: The motion is that the 5 Senate do now adjourn the extra session sine die in 6 accordance with House Joint Resolution 3, subject 7 to the stipulations stated by Senator Berger, 8 seconded by Senator Rucho. All in favor, say aye? 9 (Voice vote.) 10 LT. GOV. FOREST: All opposed, no? The 11 ayes have it, and the extra session stands 12 adjourned, sine die. 13 (THE PROCEEDINGS WERE CONCLUDED AT 1:49 P.M.) 14 (RATIFICATION OF BILLS, START TIME 3:00 P.M.) 15 SENATOR APODACA: Ratification of bills. 16 Clerk will read. 17 CLERK: Enrolled bills. The Enrolling 18 Clerk requests the following bills duly ratified, 19 properly enrolled and presentation to the Office of 20 Secretary of State. Senate Bill 2, An Act to 21 Realign the Congressional Districts As Recommended 22 By the Joint Committee on Congressional 23 Redistricting, To Comply With the Court Order in 24 Harris vs. McCrory. The Enrolling Clerk reports 25 the following bill is duly ratified for</p>	<p style="text-align: right;">17</p> <p>STATE OF NORTH CAROLINA COUNTY OF GRANVILLE CERTIFICATE</p> <p>I, Robbie W. Worley, a duly commissioned Notary Public in and for the State of North Carolina, do hereby certify that on February 19, 2016, this proceeding was held before me at the time and place aforesaid, that all parties were present as represented, and that the record as set forth in the preceding pages represents a true and accurate transcription of the proceedings to the best of my ability and understanding.</p> <p>IN WITNESS WHEREOF, I have hereto set my hand, this the 26th day of February, 2016.</p>